UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,495	01/25/2000	Trevor Blumenau	12722.00170	7210

27160   7590   07/16/2003

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EXAMINER
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ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jan 14, 2003* _____ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *242-312* _____ is/are pending in the application.

   4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *242-312* _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

   a) ☐ All b) ☐ Some* c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   *See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). *27*

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION

1.   This Office Action is the answer to the communication received on 1/14/2003 (the preliminary amendment), which paper has been placed of record in the file.

2.   Claims **242-312** are pending in this application; claims 66-85, 101-102 have been canceled by above preliminary amendment.

Priority

3.   This application is a continuation of a US Pat. 6,108,637 filed on 9/03/1996.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims **242-279** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A.   Per. claim **248**: A claimed function of "performing analysis" is too broad because analysis can have many different meanings, and there is inherency in claim for "analyzing"/"using" data (in other word, this task MUST be done and no need to claim this feature). Therefore, instead of narrowing further, this claim fails to "particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention".

B.   Claims **242-279** called for an article of manufacture (i.e., a computer-readable medium); however, above claims are directed to methods combining

with an article of manufacture (process and product in a same claim), their limitations are not conforming to the required claim's format (See *Ex parte Lyell*, *17 USPQ2d 1548 – Bd. Pat.Appl & Inter. 1990* --- according to *Ex parte Lyell*, these claims are held to be ambiguous and properly rejected under 35 USC 112, 2nd para.; such claims are also be rejected under 35 USC 101 based on the theory that these claims are directed to neither a "process" nor a "article of manufacture" but rather embraces or overlaps two different statutory classes of invention set forth in 35 USC 101 which is drafted so as to set forth the statutory classes of invention in the alternative only.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 242-312 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Curran et al. (UK Patent GB 2250112A).

6.   Re. to Claim **242**: This is a very broad system claim in a computer networked environment for generating monitoring information about a display of content.

It is rejected under 35 U.S.C. § 103(a) as being unpatentable over Curran et al. (UK Patent GB 2250112A).

Curran et al. teach a capture device for monitoring of what is display on a target computer, comprising:

a content provider site that stores content, wherein the content has embedded an instruction to cause generation of monitoring information about the display of the content (see Curran et al., Fig.1 and pg.3 lines 11-14); the examiner submits that this feature of a content provider site is old (e.g., (e.g., at the USPTO, a CPU at a group printer station has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue; (see also **Shoff** et al.); a content display site for displaying the content, wherein the display of the content on the content display site causes the execution of an embedded instruction (see Curran et al., Fig.1 and pg.3 lines 10-21); and a remote site adapted to receive the generated monitoring information (Curran et al. teach a means/step/instructions for monitoring a display/a position/a change in time of an image on a display screen (of a content/object characteristic) (see **Curran** et al., pp. 4:9-12, 5:3-8, 17-23); (the examiner submits that at USPTO a central server would do similar remote controlling/monitoring features (see also **Davis** et al., US Pat. 5,796,951 – Fig.1), wherein the content/object (computer codes) is received from a different location (e.g., from an examiner CPU or from a central server for monitoring/controlling tasks).

The examiner submits that receiving computer codes from a different locations have been done using the Internet/Intranet (e.g., at the USPTO, a CPU at a group printer station has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use **Curran** et al. 's system in order to derive claim's

limitations because Curran et al. provide features in monitoring a display of object in a computer network.

7.   Re. to Claim **243**:   The rationales and reference for rejection of claim 242 are incorporated.

Artisans recognizes that "computer cookies" obviously including an embedded instruction which is part of a set of instructions that are embedded in a cookie's content to cause generation of monitoring information about the display of the content (note: "cookies" are pieces of information that are placed on an individual 's computer hard drive to enable the individual to more easily communicate and interact with a specific Web site (e.g., a central server). Information of a user's activity would be used to facilitate and enhance with a Web site by a cookie.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use **Curran** et al. 's system in order to derive this claim's limitation because Curran et al. provide features in monitoring a display of object in a computer network.

8.   Re. to Claim **244**:   The rationales and reference for rejection of claim 242 are incorporated.

It is directed to "a system" wherein that system contains an instruction links to a set of instructions that reside external to the content.

The examiner submits that receiving computer codes from a different locations have been done using the Internet/Intranet (e.g., at the USPTO, a CPU at a group printer station has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue; these received codes would be external to provided contents.

Artisans would recognize that monitoring through browsing by a cookies (which contains "an instruction links to a set of instructions that reside external to the content") have been done on the Internet/Intranet.

9.   Re. to Claim **245**:   It is directed to a system, wherein the generated information indicates that a content was displayed.
The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated.

The examiner submits that receiving computer codes from a different locations have been done using the Internet/Intranet (e.g., at the USPTO, a CPU at a group printer station has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue; a generated information on a group printer CPU/(remote examiner CPU) would acknowledge about "a content was displayed/printed out).

Artisans would recognize that a displayed text/symbol would have meanings that a content was displayed; this or other "visible" means would acknowledge a user that something is done.

10.   Re. to Claim **246**:   It is directed to "a system" claim, wherein the remote site is the content provider site.

The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated.

The examiner submits that a remote site is a content provider site have been well-known with Internet/Intranet/LAN/WAN networks (e.g., for testing purpose, content provider site sends information to itself) and it is recognized that this is a designer's option (at the USPTO, a CPU at a group printer station

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has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue).

11. Re. to Claim **247**:   It is directed to "a system" claim, wherein the generated information about the display of the content is stored on the remote site.

The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated.

Artisans would recognize that generated information is stored on a different site (e.g., a remote site) have been old and well-known because information/data would be stored anywhere in a network having a storage medium.

12.   Re. to Claim **248**:   It is directed to "a system" claim, wherein the remote site performs analysis on monitoring information of the content.

The references and rationales for 35 USC 103(a) rejection of claim 247 are incorporated.

Artisans would recognize that a remote site having a CPU would do analyses for obtained data (e.g., a group printer at USPTO having a CPU that would monitor queuing information of patent's hardcopies; and to a computer world, there would be virtually real-time information, hence claiming remotely would not make it no obvious); furthermore, a computer "cookies"/token has been known to do this feature (e.g., "an analysis" here can be "displaying coordinates of objects" which have been done by AutoCad/Microsim software; including monitoring a duration with respect to an object (unchanged position) on screen is obvious (e.g., using Pspice to draw a curve with discreet digital voltage levels (0 volt or 5 volts), a duration of "0 volt" or "low" levels would be seen on a displayed curve).

13. <u>Re. to Claim **249**</u>:   It is directed to "a system" claim, wherein the content is provided by a content provider with an assigned account number, and wherein the generated monitoring information about the display of the content contains the account number of the content provider.

The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated.

In an analogous example of USPTO's group printer, there are identification of each examiner's hardcopy with time, date, name of the owner are printed for each item. Therefore, it is analogous features as claimed.

14.   <u>Re. to Claim **250**</u>:   It is directed to "a system" claim, wherein the generated monitoring information about the display of the content includes a time stamp.

The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated. In an analogous example of USPTO's group printer, there are identification of each examiner's hardcopy with time, date of the owner are printed for each item. Therefore, it is analogous features as claimed.

15. <u>Re. to Claim **251**</u>:   It is directed to "a system" claim, wherein the generated monitoring information about the display of the content includes identifying information about the content display site.

The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated.

Artisans would recognize that "identifying information" in a content would be obvious to "monitoring information"/"analyzing information" as above claim 248. Therefore, similar rationales and references for a rejection of claim 248 are applied.

16.   Re. to Claim **252**: It is directed to "a system" claim, wherein the generated monitoring information about the display of the content includes demographic information.

The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated.

In an analogous example of USPTO's group printer, there is an "identification" of this group printer's location. Therefore, it is an analogous feature of "displaying demographic" as claimed that is capable of doing by USPTO's group printer.

17.   Re. to Claim **264**:   It is directed to "a system" claim, wherein the computer readable medium is resident on a content provider site.

The references and rationales for 35 USC 103(a) rejection of claim 263 are incorporated.

In an analogous example of USPTO's group printer, there are computer readable mediums on provider sites (e.g., examiner/central server 's CPUs).

This claim is similar to claim 247. Artisans would recognize that generated information could be stored on a different site (e.g., a remote site) has been old and well-known because information/data would be stored anywhere in a network having a storage medium.

18.   Re. to Claim **277**: It is rejected under 35 U.S.C. § 103(a) as being unpatentable over Curran et al. (UK Patent GB 2250112A).

The references and rationales for 35 USC 103(a) rejection of claim 275 are incorporated.

The examiner submits that Curran et al. obviously suggest that data/content can be provided by a data/content display site (see Curran et al., Fig.1 and pg.3 lines 11-14); the examiner submits that this feature of "a content is provided by the content display site/(a CPU set)" is old (e.g., (e.g., at the USPTO, a CPU at a group printer station has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue; (see also Capps, or **Shoff** et al.);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use **Curran** et al. 's system in order to derive this claim's limitation because Curran et al. provide features in monitoring a display of object in a computer network.

19.   Re. to Claim **286**: It is rejected under 35 U.S.C. § 103(a) as being unpatentable over Curran et al. (UK Patent GB 2250112A).

The references and rationales for 35 USC 103(a) rejection of claim 284 are incorporated.

The examiner submits that Curran et al. did using/analyzing stored data (see Curran et al., the abstract, and page 1 lines 6-18). Artisans recognize that "computer cookies"' obviously including an embedded instruction which is part of a set of instructions that are embedded in a cookie's content to cause generation of monitoring information about the display of the content (note: "cookies" are pieces of information that are placed on an individual 's computer hard drive to enable the individual to more easily communicate and interact with a specific Web site (e.g., a central server). Information/(stored data) of a user's activity would be used to facilitate and enhance with a Web site by a cookie.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use **Curran** et al. 's system in order to derive this claim's

limitation because Curran et al. provide features in monitoring a display of object in a computer network.

20. Re. To claim **275**: The examiner submits that this claim's limitations are analogous to claim 242's limitations although it is directed to a method claim. It is obvious with similar rationales & references for 35 USC 103(a) rejection of claim 242.

The examiner also submits that above claim's limitations are so broad that they read-on many computer applications involving graphic displays and a cursor besides previous Office Action cited art; since a computer microprocessor and a basic software program obviously register any cursor movement, its current position, and depending on a specific software application, data locations/position would be processed if necessary (may be stored and displayed thereafter). These limitations are fundamental and many applications have been used (e.g., Autocad, Pspice of Microsim .etc.)

21. Re. To claim **292**: The examiner submits that this claim's limitations are analogous to claim 242's limitations although it is directed to a computer medium claim. It is obvious with similar rationales & references for 35 USC 103(a) rejection of claim 242.

It claims a medium having program codes that cause:

a) monitoring objects from a location; then

b) generating data at that location (generated data can be from a local location, or at a remote location; however, data are known to be transmitted from one place to another place through a media; therefore, this limitation is very obvious); then

c) transferring said data to a 2nd location; and

d) processing said transferred data.

The examiner submits that this claim is considered as a method claim since all limitations are steps to perform a specific function. Limitations a), b), and d) are similar to a method of canceled claim **66** and rationale and references for rejection are similar. Limitation c) add a step of sending/transferring data to a different location. This limitation is also obvious in the art because moving data has been well-known; and previous Office Action cited art obviously performed such steps.

The examiner submits that these claims' limitations are obvious because **Curran** et al., **Capps**, and **Brown** need not necessary spelled-out exactly claimed languages, because their suggestions also directed to a similar system for monitor displaying/controlling; their limitations are not limited to described embodiments in these disclosures. It is reasonable that various modifications and variations of their systems/steps would be apparent to those skilled in the art at the time of invention without departing from the scope and spirit of the invention. Although their disclosures have been described in connection with specific preferred embodiments, it should be understood that their limitations should not be limited to such specific embodiments. It is to be understood that various changes and modifications would be obvious to one skilled in the art without departing from the spirit or scope of the cited prior art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to implement **Curran** et al. 's system with **Brown & Capps** 's suggestions because it provides more features in monitoring a display of object by a computer system.

22. Claims **253, 263, 275-276, 284, 287, 292-293, 298, 306**: The examiner submits that these claims' limitations are similar/analogous to claim 242's limitations whether they are a system, a computer-readable medium, or a

method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 242.

23. <u>Claims **254, 267, 278, 290**</u>:   The examiner submits that these claims' limitations are similar/analogous to claim 243's limitations whether they are a system, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 243.

24. <u>Claims **255, 268, 279, 291**</u>:   The examiner submits that these claims' limitations are similar/analogous to claim 244's limitations whether they are a system, or a computer-readable medium, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 244.

25. <u>Claims **256, 265, 285, 288, 299, 307**</u>:   The examiner submits that these claims' limitations are similar/analogous to claim 246's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 246.

26. <u>Claims **258, 270, 301, 308**</u>:   The examiner submits that these claims' limitations are similar/analogous to claim 248's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 248.

27. <u>Claims **257, 269, 300**</u>:   The examiner submits that these claims' limitations are similar/analogous to claim 247's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 247.

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28. Claims **259, 271, 280, 294, 302, 309**:   The examiner submits that these claims' limitations are similar/analogous to claim 249's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 249.

29. Claims **260, 272, 281, 295, 303, 310**:   The examiner submits that these claims' limitations are similar/analogous to claim 250's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 250.

30. Claims **261, 273, 282, 296, 304, 311**:   The examiner submits that these claims' limitations are similar/analogous to claim 251's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 251.

31. Claims **262, 274, 283, 297, 305, 312** :   The examiner submits that these claims' limitations are similar/analogous to claim 252's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 252.

32. Claims **266, 289**:   The examiner submits that these claims' limitations are similar/analogous to claim 264's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 264.

Conclusion

33.   Claims **242-312** are not patentable.

34.   This is a CPA of applicant's earlier Application No. 09/490,495. All claims

are drawn to the same invention claimed in the earlier application and could

have been finally rejected on the grounds and art of record in the next Office

action if they had been entered in the earlier application. Accordingly, **THIS**

ACTION IS MADE FINAL even though it is a first action in this case. See MPEP

§ 706.07(b). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a)

will be calculated from the mailing date of the advisory action. In no, however,

event will the statutory period for reply expire later than SIX MONTHS from the

mailing date of this final action.

35. These references are considered pertinent to applicant's disclosure.

- **Curran** et al. (UK Pat. GB 2250112A), Computer testing capture device,

05/27/1992.

- **Gabel** et al., The better to see you with – get your windows video up to speed

with these graphics accelerators, Windows Magazine, 1995, n60, pg.260 (from

Dialog® File 647, acc. No. 01055060).

- From Dialog® File 647, acc. No. 00588369,

Synchro/resolver board supports six channels, Electronic Engineering Times, 4/15/1991, n 637, 85.

- **Shibata** et al., (US Pat. 5,835,923 - 11/10/1998), Contents information transmitting/viewing system and method therefor.

- **Pan**, (US Pat. 5,926,168 -- 7/20/1999), Remote pointers for interactive televisions.

- **Tsai**, (US Pat. 5,495,581 - 2/27/1996), Method and apparatus for linking a document with associated reference information using pattern matching.

- **Capps** (US Pat. 5,634,100 - 5/27/1997), System and method for event parameter interdependence and adjustment with pen input.

- Halliday, FastCAD offers speed, 3-D rendering features, InfoWorld, v13n49, pp.98-105, 12/09/1991.

- **Halliday**, Product Comparison: High-End CAD, InfoWorld, v13n16, pp.55-75, 4/22/1991.

-**Lubow**, An engineer's guide to AutoCAD, Industrial Engineering, v19n8, pp.ESC18-ESC20, 8/1987.

- **Parks** et al., New workstation from SunRiver Corp. Offers highest CAD performance at affordable price, Business Wire, s1 p1, 6/11/1990.

- **McGrath**, The tail-less mouse: is innovative mouse missing more than just a tail?, Computer Graphics World, v11, p117(2), 10/1988.
- **Lombardi**, Windows Word Processors: InfoWorld tests the tools and features in six of the high-end graphical products, InfoWorld, v14n6, pp.78-96, 2/10/1992.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553 The examiner can normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ms. Wynn Coggins, can be reached on (703)308-1344.

Any response to this action should be mailed to:

Amendments

Commissioner of Patents and Trademarks
Washington D.C. 20231

or faxed to:

    (703)305-7687   [Official communications; including
                              After Final communications labeled
                              "Box AF"]

    703-746-5572 (RightFax) Informal/Draft communications, labeled
                              "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451

Crystal Drive, Arlington, VA, 7th floor receptionist.

Any inquiry of a general nature or relating to the status of this application

or proceeding should be directed to the Receptionist whose telephone number is

(703)308-1113.

Cuonghnguyen
Primary Examiner
July. 06, 2003

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DETAILED ACTION

1.   This Office Action is the answer to the communication received on

1/14/2003 (the preliminary amendment), which paper has been placed of record

in the file.

2.   Claims **242-312** are pending in this application; claims 66-85, 101-102

have been canceled by above preliminary amendment.

Priority

3.   This application is a continuation of a US Pat. 6,108,637 filed on

9/03/1996.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

4. Claims **242-279** are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

A.   Per. claim **248**: A claimed function of "performing analysis" is too broad

because analysis can have many different meanings, and there is inherency in

claim for "analyzing"/"using" data (in other word, this task MUST be done and no

need to claim this feature). Therefore, instead of narrowing further, this claim

fails to "particularly pointing out and distinctly claiming the subject matter which

the applicant regards as his invention".

B.   Claims **242-279** called for an article of manufacture (i.e., a computer-

readable medium); however, above claims are directed to methods combining

with an article of manufacture (process and product in a same claim), their

limitations are not conforming to the required claim's format (See *Ex parte Lyell,*

17 USPQ2d 1548 – Bd. Pat.Appl & Inter. 1990 --- according to *Ex parte Lyell,*

these claims are held to be ambiguous and properly rejected under 35 USC 112,

2nd para.; such claims are also be rejected under 35 USC 101 based on the

theory that these claims are directed to neither a "process" nor a "article of

manufacture" but rather embraces or overlaps two different statutory classes of

invention set forth in 35 USC 101 which is drafted so as to set forth the statutory

classes of invention in the alternative only.

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all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 242-312 are rejected under 35 U.S.C. § 103(a) as being**

unpatentable over Curran et al. (UK Patent GB 2250112A), in view of Brown

(Using Netscape 2 - Special Edition), in view of Shoff et al.(US Pat.

6,240,555), Capps (US Pat.5,634,100), and further in view of the Official

Notice.

6.   Re. to Claim **242**: This is a very broad system claim in a computer

networked environment for generating monitoring information about a display of

content.

It is rejected under 35 U.S.C. § 103(a) as being unpatentable over Curran

et al. (UK Patent GB 2250112A).

Curran et al. teach a capture device for monitoring of what is display on a target computer, comprising:

a content provider site that stores content, wherein the content has embedded an instruction to cause generation of monitoring information about the display of the content (see Curran et al., Fig.1 and pg.3 lines 11-14); the examiner submits that this feature of a content provider site is old (e.g., (e.g., at the USPTO, a CPU at a group printer station has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue; (see also **Shoff** et al.); a content display site for displaying the content, wherein the display of the content on the content display site causes the execution of an embedded instruction (see Curran et al., Fig.1 and pg.3 lines 10-21); and a remote site adapted to receive the generated monitoring information (Curran et al. teach a means/step/instructions for monitoring a display/a position/a change in time of an image on a display screen (of a content/object characteristic) (see **Curran** et al., pp. 4:9-12, 5:3-8, 17-23); (the examiner submits that at USPTO a central server would do similar remote controlling/monitoring features (see also **Davis** et al., US Pat. 5,796,951 – Fig.1), wherein the content/object (computer codes) is received from a different location (e.g., from an examiner CPU or from a central server for monitoring/controlling tasks).

The examiner submits that receiving computer codes from a different locations have been done using the Internet/Intranet (e.g., at the USPTO, a CPU at a group printer station has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use **Curran** et al. 's system in order to derive claim's

limitations because Curran et al. provide features in monitoring a display of object in a computer network.

7.   Re. to Claim **243**:   The rationales and reference for rejection of claim 242 are incorporated.

Artisans recognizes that "computer cookies" obviously including an embedded instruction which is part of a set of instructions that are embedded in a cookie's content to cause generation of monitoring information about the display of the content (note: "cookies" are pieces of information that are placed on an individual 's computer hard drive to enable the individual to more easily communicate and interact with a specific Web site (e.g., a central server). Information of a user's activity would be used to facilitate and enhance with a Web site by a cookie.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use **Curran** et al. 's system in order to derive this claim's limitation because Curran et al. provide features in monitoring a display of object in a computer network.

8.   Re. to Claim **244**:   The rationales and reference for rejection of claim 242 are incorporated.

It is directed to "a system" wherein that system contains an instruction links to a set of instructions that reside external to the content.

The examiner submits that receiving computer codes from a different locations have been done using the Internet/Intranet (e.g., at the USPTO, a CPU at a group printer station has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue; these received codes would be external to provided contents.

Artisans would recognize that monitoring through browsing by a cookies (which contains "an instruction links to a set of instructions that reside external to the content") have been done on the Internet/Intranet.

9.   Re. to Claim **245**:   It is directed to a system, wherein the generated information indicates that a content was displayed.
The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated.

The examiner submits that receiving computer codes from a different locations have been done using the Internet/Intranet (e.g., at the USPTO, a CPU at a group printer station has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue; a generated information on a group printer CPU/(remote examiner CPU) would acknowledge about "a content was displayed/printed out).

Artisans would recognize that a displayed text/symbol would have meanings that a content was displayed; this or other "visible" means would acknowledge a user that something is done.

10.   Re. to Claim **246**:   It is directed to "a system" claim, wherein the remote site is the content provider site.

The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated.

The examiner submits that a remote site is a content provider site have been well-known with Internet/Intranet/LAN/WAN networks (e.g., for testing purpose, content provider site sends information to itself) and it is recognized that this is a designer's option (at the USPTO, a CPU at a group printer station

has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue).

11. Re. to Claim **247**:   It is directed to "a system" claim, wherein the generated information about the display of the content is stored on the remote site.

The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated.

Artisans would recognize that generated information is stored on a different site (e.g., a remote site) have been old and well-known because information/data would be stored anywhere in a network having a storage medium.

12.   Re. to Claim **248**:   It is directed to "a system" claim, wherein the remote site performs analysis on monitoring information of the content.

The references and rationales for 35 USC 103(a) rejection of claim 247 are incorporated.

Artisans would recognize that a remote site having a CPU would do analyses for obtained data (e.g., a group printer at USPTO having a CPU that would monitor queuing information of patent's hardcopies; and to a computer world, there would be virtually real-time information, hence claiming remotely would not make it no obvious); furthermore, a computer "cookies"/token has been known to do this feature (e.g., "an analysis" here can be "displaying coordinates of objects" which have been done by AutoCad/Microsim software; including monitoring a duration with respect to an object (unchanged position) on screen is obvious (e.g., using Pspice to draw a curve with discreet digital voltage levels (0 volt or 5 volts), a duration of "0 volt" or "low" levels would be seen on a displayed curve).

13. <u>Re. to Claim **249**</u>:   It is directed to "a system" claim, wherein the content is provided by a content provider with an assigned account number, and wherein the generated monitoring information about the display of the content contains the account number of the content provider.

The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated.

In an analogous example of USPTO's group printer, there are identification of each examiner's hardcopy with time, date, name of the owner are printed for each item. Therefore, it is analogous features as claimed.

14.   <u>Re. to Claim **250**</u>:   It is directed to "a system" claim, wherein the generated monitoring information about the display of the content includes a time stamp.

The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated. In an analogous example of USPTO's group printer, there are identification of each examiner's hardcopy with time, date of the owner are printed for each item. Therefore, it is analogous features as claimed.

15. <u>Re. to Claim **251**</u>:   It is directed to "a system" claim, wherein the generated monitoring information about the display of the content includes identifying information about the content display site.

The references and rationales for 35 USC 103(a) rejection of claim 242 are incorporated.

Artisans would recognize that "identifying information" in a content would be obvious to "monitoring information"/"analyzing information" as above claim 248. Therefore, similar rationales and references for a rejection of claim 248 are applied.

16. Re. to Claim **252**: It is directed to "a system" claim, wherein the generated

monitoring information about the display of the content includes demographic

information.

The references and rationales for 35 USC 103(a) rejection of claim

242 are incorporated.

In an analogous example of USPTO's group printer, there is an

"identification" of this group printer's location. Therefore, it is an analogous

feature of "displaying demographic" as claimed that is capable of doing by

USPTO's group printer.

17.   Re. to Claim **264**:   It is directed to "a system" claim, wherein the computer

readable medium is resident on a content provider site.

The references and rationales for 35 USC 103(a) rejection of claim

263 are incorporated.

In an analogous example of USPTO's group printer, there are

computer readable mediums on provider sites (e.g., examiner/central server 's

CPUs).

This claim is similar to claim 247. Artisans would recognize that

generated information could be stored on a different site (e.g., a remote site) has

been old and well-known because information/data would be stored anywhere in

a network having a storage medium.

18.   Re. to Claim **277**: It is rejected under 35 U.S.C. § 103(a) as being

unpatentable over Curran et al. (UK Patent GB 2250112A).

The references and rationales for 35 USC 103(a) rejection of claim 275 are

incorporated.

The examiner submits that Curran et al. obviously suggest that data/content can be provided by a data/content display site (see Curran et al., Fig.1 and pg.3 lines 11-14); the examiner submits that this feature of "a content is provided by the content display site/(a CPU set)" is old (e.g., (e.g., at the USPTO, a CPU at a group printer station has been used to receive/display instructions/content for a viewer to see what content (sending remotely from different connecting CPU of the examiners) is in queue; (see also Capps, or **Shoff** et al.);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use **Curran** et al. 's system in order to derive this claim's limitation because Curran et al. provide features in monitoring a display of object in a computer network.

19. <u>Re. to Claim **286**</u>: It is rejected under 35 U.S.C. § 103(a) as being unpatentable over Curran et al. (UK Patent GB 2250112A).

The references and rationales for 35 USC 103(a) rejection of claim 284 are incorporated.

The examiner submits that Curran et al. did using/analyzing stored data (see Curran et al., the abstract, and page 1 lines 6-18). Artisans recognize that "computer cookies"` obviously including an embedded instruction which is part of a set of instructions that are embedded in a cookie's content to cause generation of monitoring information about the display of the content (note: "cookies" are pieces of information that are placed on an individual 's computer hard drive to enable the individual to more easily communicate and interact with a specific Web site (e.g., a central server). Information/(stored data) of a user's activity would be used to facilitate and enhance with a Web site by a cookie.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use **Curran** et al. 's system in order to derive this claim's

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limitation because Curran et al. provide features in monitoring a display of object in a computer network.

20. Re. To claim **275**: The examiner submits that this claim's limitations are analogous to claim 242's limitations although it is directed to a method claim. It is obvious with similar rationales & references for 35 USC 103(a) rejection of claim 242.

The examiner also submits that above claim's limitations are so broad that they read-on many computer applications involving graphic displays and a cursor besides previous Office Action cited art; since a computer microprocessor and a basic software program obviously register any cursor movement, its current position, and depending on a specific software application, data locations/position would be processed if necessary (may be stored and displayed thereafter). These limitations are fundamental and many applications have been used (e.g., Autocad, Pspice of Microsim .etc.)

21. Re. To claim **292**: The examiner submits that this claim's limitations are analogous to claim 242's limitations although it is directed to a computer medium claim. It is obvious with similar rationales & references for 35 USC 103(a) rejection of claim 242.

It claims a medium having program codes that cause:

a) monitoring objects from a location; then

b) generating data at that location (generated data can be from a local location, or at a remote location; however, data are known to be transmitted from one place to another place through a media; therefore, this limitation is very obvious); then

c) transferring said data to a 2nd location; and

d) processing said transferred data.

The examiner submits that this claim is considered as a method claim since all limitations are steps to perform a specific function. Limitations a), b), and d) are similar to a method of canceled claim **66** and rationale and references for rejection are similar. Limitation c) add a step of sending/<u>transferring data to a different location</u>. This limitation is also obvious in the art because moving data has been well-known; and previous Office Action cited art obviously performed such steps.

The examiner submits that these claims' limitations are obvious because **Curran** et al., **Capps**, and **Brown** need not necessary spelled-out exactly claimed languages, because their suggestions also directed to a similar system for monitor displaying/controlling; their limitations are not limited to described embodiments in these disclosures. It is reasonable that various modifications and variations of their systems/steps would be apparent to those skilled in the art at the time of invention without departing from the scope and spirit of the invention. Although their disclosures have been described in connection with specific preferred embodiments, it should be understood that their limitations should not be limited to such specific embodiments. It is to be understood that various changes and modifications would be obvious to one skilled in the art without departing from the spirit or scope of the cited prior art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to implement **Curran** et al. 's system with **Brown & Capps** 's suggestions because it provides more features in monitoring a display of object by a computer system.

22. <u>Claims **253, 263, 275-276, 284, 287, 292-293, 298, 306**</u>: The examiner submits that these claims' limitations are similar/analogous to claim 242's limitations whether they are a system, a computer-readable medium, or a

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method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 242.

23. Claims **254, 267, 278, 290**:   The examiner submits that these claims' limitations are similar/analogous to claim 243's limitations whether they are a system, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 243.

24. Claims **255, 268, 279, 291**:   The examiner submits that these claims' limitations are similar/analogous to claim 244's limitations whether they are a system, or a computer-readable medium, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 244.

25. Claims **256, 265, 285, 288, 299, 307**:   The examiner submits that these claims' limitations are similar/analogous to claim 246's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 246.

26. Claims **258, 270, 301, 308**:   The examiner submits that these claims' limitations are similar/analogous to claim 248's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 248.

27. Claims **257, 269, 300**: The examiner submits that these claims' limitations are similar/analogous to claim 247's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 247.

28. Claims **259, 271, 280, 294, 302, 309**:   The examiner submits that these claims' limitations are similar/analogous to claim 249's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 249.

29. Claims **260, 272, 281, 295, 303, 310**:   The examiner submits that these claims' limitations are similar/analogous to claim 250's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 250.

30. Claims **261, 273, 282, 296, 304, 311**:   The examiner submits that these claims' limitations are similar/analogous to claim 251's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 251.

31. Claims **262, 274, 283, 297, 305, 312** :   The examiner submits that these claims' limitations are similar/analogous to claim 252's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 252.

32. Claims **266, 289**:   The examiner submits that these claims' limitations are similar/analogous to claim 264's limitations whether they are a system, a computer-readable medium, or a method claim, they are obvious with similar rationales & references for 35 USC 103(a) rejection of claim 264.

Conclusion

33.   Claims **242-312** are not patentable.

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34.   This is a CPA of applicant's earlier Application No. 09/490,495. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

35. These references are considered pertinent to applicant's disclosure.
- **Curran** et al. (UK Pat. GB 2250112A), Computer testing capture device, 05/27/1992.
- **Gabel** et al., The better to see you with – get your windows video up to speed with these graphics accelerators, Windows Magazine, 1995, n60, pg.260 (from Dialog® File 647, acc. No. 01055060).
- From Dialog® File 647, acc. No. 00588369,

Synchro/resolver board supports six channels, Electronic Engineering Times, 4/15/1991, n 637, 85.

- **Shibata** et al., (US Pat. 5,835,923 - 11/10/1998), Contents information transmitting/viewing system and method therefor.

- **Pan**, (US Pat. 5,926,168 -- 7/20/1999), Remote pointers for interactive televisions.

- **Tsai**, (US Pat. 5,495,581 - 2/27/1996), Method and apparatus for linking a document with associated reference information using pattern matching.

- **Capps** (US Pat. 5,634,100 - 5/27/1997), System and method for event parameter interdependence and adjustment with pen input.

- Halliday, FastCAD offers speed, 3-D rendering features, InfoWorld, v13n49, pp.98-105, 12/09/1991.

- **Halliday**, Product Comparison: High-End CAD, InfoWorld, v13n16, pp.55-75, 4/22/1991.

-**Lubow**, An engineer's guide to AutoCAD, Industrial Engineering, v19n8, pp.ESC18-ESC20, 8/1987.

- **Parks** et al., New workstation from SunRiver Corp. Offers highest CAD performance at affordable price, Business Wire, s1 p1, 6/11/1990.

- **McGrath**, The tail-less mouse: is innovative mouse missing more than just a tail?, Computer Graphics World, v11, p117(2), 10/1988.

- **Lombardi**, Windows Word Processors: InfoWorld tests the tools and features in six of the high-end graphical products, InfoWorld, v14n6, pp.78-96, 2/10/1992.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553 The examiner can normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ms. Wynn Coggins, can be reached on (703)308-1344.

Any response to this action should be mailed to:

Amendments

Commissioner of Patents and Trademarks
Washington D.C. 20231

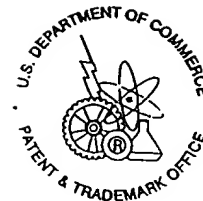or faxed to:

(703)305-7687   [Official communications; including
                     After Final communications labeled
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703-746-5572 (RightFax) Informal/Draft communications, labeled
                     "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451

Crystal Drive, Arlington, VA, 7th floor receptionist.

Any inquiry of a general nature or relating to the status of this application

or proceeding should be directed to the Receptionist whose telephone number is

(703)308-1113.

Cuongknguyen
Primary Examiner
July. 06, 2003

FAX

Date _7/18/03_

Number of pages including cover sheet _19_

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REMARKS:

☐ Urgent ☒ For your review ☐ Reply ASAP ☐ Please comment